

REPORT VI
FIRST DISCUSSION

International Labour Conference

EIGHTEENTH SESSION
GENEVA — 1934

**EMPLOYMENT OF WOMEN
ON UNDERGROUND WORK
IN MINES OF ALL KINDS**

Sixth Item on the Agenda



GENEVA
INTERNATIONAL LABOUR OFFICE
1933

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INTRODUCTION

At its Sixty-first Session, held on 1 February 1933, the Governing Body of the International Labour Office decided to place on the agenda of the Eighteenth Session of the International Labour Conference the question of the "employment of women on underground work in mines of all kinds".

The attention of the Governing Body had been drawn to this problem by two resolutions adopted by the Conference at its Twelfth (1929) and Fifteenth (1931) Sessions respectively, which set in motion the procedure leading to the submission of the question to the Conference.

In 1929, on the proposal of the Japanese Workers' Delegate, the Conference adopted the following resolution:

"In view of the regrettable fact that underground work for women and young persons under the age of eighteen years is still actually in operation within some of the most important countries represented in the International Labour Conference,

"The Conference requests the Governing Body of the International Labour Office to consider the desirability of placing upon the agenda of an early Session of the International Labour Conference the question of the underground work of women and young persons."

In 1931, at the Session of the Conference which adopted the Draft Convention concerning hours of work in coal mines, the Conference, on the proposal of the Committee set up to deal with this question, passed a second resolution based on different considerations and framed in slightly different terms, but directed towards the same general end. The text of this resolution is as follows:

"The Conference,

"Having adopted a Draft Convention limiting hours of work in coal mines,

"Considering that this Draft assures equal protection for all workers employed underground as regards hours of work,

"Considering also that legislation in most countries prohibits the employment of women and young persons on underground work in coal mines,

"Is of the opinion that the desirability of adopting international regulations for ensuring equivalent protection should be considered as soon as possible, and

“ Requests the Governing Body of the International Labour Office to examine the possibility of including in the agenda of an early Session of the Conference the question of ‘ the employment of workers under sixteen years of age and women workers on underground work in coal mines ’.”

Following an established practice of dealing with questions concerning women and those concerning young persons by separate Conventions, the Governing Body considered it advisable that the Conference should begin by tackling the question of the employment of women on underground work rather than attempt to settle at the same time that of the employment of young persons on such work. The Governing Body also adopted a standpoint midway between that expressed in the 1929 resolution, which called in quite general terms for a study of the employment of women on *underground work*—a somewhat vague formula, covering a variety of occupations to which it might prove difficult to apply any uniform regulations, and that of the 1931 resolution, which limited the question to underground work in coal mines, by deciding that the item placed on the agenda of the Conference should be the employment of women on underground work in all mines. In so doing, the Governing Body was guided by the consideration that the risks attendant on employment in the different kinds of underground mine did not differ enough to warrant the restriction of discussion to the question of employment in coal mines alone, the narrow scope of the 1931 resolution being due to the fact that it was submitted to the Conference by a Committee set up to examine a Draft Convention on hours of work in coal mines.

The question thus brought before the Eighteenth Session of the Conference is one which may be considered as ripe for international action, since the prohibition of the employment of women on underground work in mines is one of the oldest and most widespread provisions of labour legislation. In some of the more important mining countries of Europe such measures have, in fact, been in force for seventy-five years or more. In underground work in mines, and in particular in deep-level mines, the danger attendant on the extraction of heavy substances is complicated by a number of other risks. It is essentially an exhausting form of work. Hence the employment of women on such work was one of the earliest abuses of the industrial system to call forth the protests of humanitarian minds. A century ago, when protective legislation was still non-existent, the conditions of underground employment for women — who were allotted the worst paid and most unpleasant kinds of work, such as carrying loads without

any mechanical aid, and were obliged, owing to the high temperature of the ill-ventilated underground galleries, to work half naked, being herded together in a promiscuity offending against all the laws of human dignity — gave rise to a movement of opinion in favour of legislation to put a stop to such abuses. The British Act of 1842 to prohibit this kind of work for women was one of the earliest measures of labour legislation, and, indeed, the very first to deal with adult workers. Other European countries gradually followed suit. In Austria-Hungary the Mines Act of 1854 empowered the mining authorities to take any measures they considered necessary in this respect. In 1874 underground work for women was prohibited by law in France, in 1876 in Luxemburg, in 1878 in Germany, etc.

The custom of considering this form of work as unsuitable for women gradually became so well established, at least in European countries, that even countries in which women had never been employed on underground work frequently inserted a provision prohibiting this practice in their general labour legislation.

In certain Oriental countries, however, the practice of employing women below ground in mines has persisted, although on an increasingly restricted scale, probably owing to the fact that work is there performed by family groups. With the introduction of technical improvements and the mechanisation of mining operations, the conditions under which women are now or were until recently employed are certainly less deplorable than those of the women workers in the English mines of 1840; while such underground employment is also now subject to regulations which to some extent mitigate its disadvantages. But even under these improved conditions employment on underground work in mines is still a form of work arduous enough to make its total and early abolition for women extremely desirable.

NATIONAL LAWS

The following section gives, country by country, a list of all the legislative measures known to the Office which prohibit the employment of women below ground in mines.

It should be noted, however, that even where regulations on this subject definitely do not exist it cannot be assumed that the practice of employing women underground in mines is actually current in the countries concerned. Very often the absence of relevant regulations is due to the fact that the existing situation

renders such regulations unnecessary, either because the mineral resources of the country concerned are not of a nature to justify the creation of a mining industry, or at least of one entailing underground work at deep levels, or because it is not the industrial practice in the country concerned to employ women underground.

Moreover, the legislation in force may often have the effect of making the employment of women on underground work in mines impossible in practice, without explicitly and directly forbidding it. Thus this form of employment may be held to be unlawful in Latvia under the Act of 24 March 1932, which prohibits the employment of women "on work which is unsuitable to their physique or unhealthy"; or in Panama under section 1035 of the Administrative Code, which makes it illegal "to cause women of any age to perform work unsuitable for their sex or beyond their strength".

It may also be noted that a number of the operations which have to be performed underground in mines come under the head of the strenuous forms of work which are prohibited for women under certain national laws, such as hewing, carrying or moving heavy weights, work in places where noxious dusts are given off, etc. In many cases indirect regulations of this kind have made it unnecessary to introduce direct prohibitive measures.

For the sake of exactitude, however, every effort has been made to complete the information which the Office has been able to collect itself by direct requests for particulars to the Governments of those States Members in whose legislation no express prohibition of underground work for women could be found. In most cases it appeared highly probable that even where such legislation did not in fact exist, its absence would not lead in practice to the development of underground work in mines for women. Nevertheless, wherever any doubt subsisted as to the exact situation, the Office requested the Governments to state whether their legislation contained any provisions for the prohibition of women's employment on underground work in mines which had escaped its investigations, or whether and to what extent women were in fact employed on such work in the countries concerned, both for the territory of the States Members themselves and for the territories under their authority or administration, such as colonies, protectorates, mandated territories, etc.

The replies received up to the time of going to press are given in the present Report, and any replies received subsequently will be published in a Supplementary Report.

(1) *Prohibition or Regulation of Women's Employment Underground in Mines*¹

ALBANIA

The Albanian Government has informed the International Labour Office that there is no legislation to regulate the employment of women on underground work in mines in Albania, owing to the fact that women have never been employed in such work.

ARGENTINA

Act No. 11317 of 30 September 1924 to regulate the employment of women and young persons (L.S., 1924, Arg. 1): section 11: "Women shall not be employed . . . (b) in quarries or on underground work."

AUSTRALIA

Labour legislation is within the competence of the individual States.

New South Wales

Coal Mines Regulation Act, No. 37 of 1912² (B.B., 1915, p. 263): section 41: "Females shall not be employed in or about any mines."

Mines Inspection Act of 1901³: section 26 (1) contains the same provision as the Coal Mines Act.

Queensland

Coal Mining Act of 1925 (L.S., 1925, Austr. 7), as amended in 1928 (Statutes of Queensland, Vol. XIV, p. 12213): section 79 (3): "No female shall be employed below ground in any coal mine."

Mines Regulation Acts of 1910-1920⁴ (*Labour Laws of Queensland*, 1922, p. 450): section 32 (3) contains a similar provision.

South Australia

Mines and Works Inspection Act, No. 1444 of 1920 (*Acts of Parliament*, 1920): section 17: "No girl or woman of any age shall be employed underground in any mine."

Tasmania

Mines and Works Regulations Act, 1915 (6 Geo. V, No. 41): section 29 (1): "No female shall be employed for hire in any capacity in or about a mine, provided that this shall not apply in the case of clerical employment."

Victoria

Coal Mines Regulation Act, 1928 (*Victorian Statutes*, 1929, Vol. I, p. 514): section 6 (2): "Females shall not be employed in or about any mines."

Mines Act, 1928⁵ (*Victorian Statutes*, 1929, Vol. IV, p. 725): section 403 (2) contains a similar provision.

¹ The text published by the INTERNATIONAL LABOUR OFFICE OF BASLE in its *Bulletin* (English edition) are referred to by the letters "B.B.", followed by the year and page number of the volume concerned; and those published by the INTERNATIONAL LABOUR OFFICE OF GENEVA in its *Legislative Series* are referred to by the letters "L.S.", followed by the reference number of the text.

² Applies to coal and shale mines.

³ Applies to all mines except those covered by the preceding Act.

⁴ Applies to metal and mineral mines.

⁵ Applies to gold and mineral mines.

Western Australia

Coal Mines Regulation Act, 1902-1926 (*Acts of Parliament of Western Australia*, Third Session of the Twelfth Parliament, Perth, 1927, Appendix): section 5¹: "Females shall not be employed in or about any mines."

Mines Regulation Act, No. 36 of 1906, as amended by Nos. 53 of 1915 and 24 of 1920¹: section 53: "No female shall be employed below ground in any mines."

Mandated Territory of New Guinea

Mines Ordinance, 1928, No. 18 (*Laws of the Territory of New Guinea*, Vol. IX, 1928, p. 78): section 153 (1): "No female shall be employed below ground in any mine."

AUSTRIA

Act of 28 July 1919 concerning the employment of young persons and women, hours of work and Sunday rest in mines (*Staatsgesetzblatt*, 1919, No. 406, p. 1014): section 1, subsection 3: "Women workers, irrespective of age, shall be employed only above ground. Women who are obviously pregnant shall be employed only on light work."

BELGIUM

Royal Order of 15 September 1919, codifying the legislation on mines, open workings, and quarries (*Moniteur belge*, 3 March 1920, and *Code du travail* (DESTRÉE and HALLET), Vol. I, p. 859): section 54: "Women shall not be employed on underground work (section 33 of the 1911 Act). . ."

In regard to the Belgian Congo and territories under Belgian mandate, the Belgian Government has informed the Office that there are no regulations prohibiting the employment of women in mines, no need for such regulations having arisen. It is contrary to the custom of the colony and mandated territories to employ women on industrial work of any kind.

BOLIVIA

Regulations for the administration of the Presidential Decree of 21 September 1929 (L.S., 1929, Bol. 2 B): section 16: ". . . women under age shall not be employed in underground work. . ."

BRAZIL

Decree No. 21417 of 17 May 1932 to regulate the conditions of employment of women in industrial undertakings (L.S., 1932, Braz. 5): section 5: "Women shall not be employed in the following work: (a) work in tunnels, underground in mines, in quarries. . ."

BULGARIA

Act respecting the health and safety of workers, approved by Royal Order No. 25 of 5-18 April 1917 (B.B., 1918, p. 26): section 15, subsection (2): "Women of any age shall not be admitted to work in mines (except light work above ground) in quarries, in tunnels, and in the construction of canals."

CANADA

Labour legislation is within the competence of the individual Provinces.

Alberta

Coal Mines Regulation Act, 1930 (*Statutes of Alberta*, 1930, Chap. 24; L.S., 1924, Can. 8): section 7 (1): ". . . No woman or girl of any age shall be employed or permitted to be in any mine for the purpose of employment therein." (2): ". . . No woman or girl of any age shall be employed or permitted to be in or about the surface workings of a mine for the purpose of employment . . . provided always that nothing herein contained

¹ Applies to metal and mineral mines.

shall prevent the employment of any person engaged in the performance of clerical work or in performing domestic duties in any hotel, boarding house or residence in connection with any mine."

British Columbia

Coal Mines Regulation Act (*Revised Statutes of British Columbia*, 1924, Chap. 171, Vol. II, p. 2207): section 4: "No woman or girl of any age . . . shall be employed or permitted to be in any mine for the purpose of employment therein. . . . No woman or girl of any age shall be employed or permitted to be in or about the surface workings of a colliery for the purpose of employment. . . . provided that this prohibition shall not affect the employment of any person employed in the performance of clerical work, or in performing domestic duties in a hotel, boarding house or residence in connection with any colliery."

The Metalliferous Mines Regulation Act¹ (*Revised Statutes of British Columbia*, 1924, Chap. 172, Vol. II, p. 2261): section 31 (15): "No woman or girl of any age . . . shall be employed in, or allowed to be for the purpose of employment in, any mine to which this Act applies below ground."

Ontario

Mining Act of 1927 (L.S., 1927, Can. 2), as amended by the Mining Act, 1930 (L.S., 1930, Can. 1): section 151 (2): "No girl or woman shall be employed in or about any mine except in a technical, clerical or domestic capacity."

Quebec

Quebec Mines Act (*Statuts refondus de la Province de Québec*, 1925, Chap. 80, Vol. I, p. 1067): section 147: "No woman or girl shall be employed in or about any mine."

Saskatchewan

Mines Act (*Revised Statutes of Saskatchewan*, 1930, Chap. 222, Vol. III, p. 3080; section 10: "No woman or girl of any age shall be employed or be permitted to be in the workings of a mine."

The Mines Acts of the other Canadian Provinces contain no provisions directly prohibiting the employment of women underground in mines, but according to a communication to the Office from the Canadian Advisory Officer accredited to the League of Nations, dated 8 November 1930, no women are employed below ground in any Canadian mine.

CHILE

Labour Code approved by Decree No. 178 of 13 May 1931 (*Diario Oficial*, No. 16014, p. 3448): section 49: "Women shall not be employed below ground in mines."

CHINA

Regulations concerning the prevention of accidents to miners, promulgated by Decree No. 308 of 5 May 1923 (L.S., 1923, Chin. 3) (these Regulations apply to mines in which the number of persons employed below ground at one time is not less than fifty): section 8: ". . . Women shall not be employed below ground."

Decree No. 349 of 12 May 1923, issuing Regulations concerning employment in mines (this Decree contains no provision limiting its application to mines of a specified size): section 6: "Women shall not be employed except on light surface work."

¹ Applies to metalliferous mines and mines other than those to which the Coal Mines Regulation Act applies.

COLOMBIA

The Ministry of Foreign Affairs of Colombia has informed the Office that Colombian legislation contains no special provisions to prohibit the employment of women in underground mines, but that, according to the statistics of the General Department of Labour, no women are employed in Columbian mines, except in a few small coal mines which are too near the surface and too few in number to justify the issuing of Regulations.

CUBA

The Government of the Cuban Republic has informed the Office that there is no legislation prohibiting the employment of women underground in mines in that country, but that there are very few mines in operation and that no women are employed in them.

CZECHOSLOVAKIA

Act of 19 December 1918 concerning the eight-hour day (B.B., 1919, p. 26): section 11, subsection 2: "Only male workers shall be employed on underground work in mines, including road clearing."

DENMARK

As Denmark has no mines, there are no Regulations governing the employment of women underground in mines in that country.

DOMINICAN REPUBLIC

So far as the Office is aware, there are no Regulations governing the employment of women underground in mines in this country.

ESTONIA

Act of 20 May 1924 concerning the employment of children, young persons and women in industrial undertakings (L.S., 1924, Est. 1): section 9: "... Women shall not be employed in mining work underground."

FINLAND

So far as the Office is aware, there are no Regulations governing the employment of women underground in mines in Finland.

FRANCE

Labour and Social Welfare Code, Book II: under section 55, which codifies a provision of the Act of 19 May 1874, "girls and women shall not be employed on underground work in mines, open workings and quarries".

Colonies, Protectorates and Dependencies

Algeria. — The Decree of 15 January 1921 (*Journal Officiel*, 17 February 1921, p. 2013) extends to Algeria the application of certain provisions of Book II of the Labour Code, including that of section 55 above.

Section 55 of the Labour Code also applies in the following territories:

French Guiana. — Decree of 7 February 1924, section 15, subsection 5 (L.S., 1924, Fr. 2).

Morocco. — Decree of 13 July 1926, section 20 (L.S., 1926, Mor. 1).

New Caledonia. — Decree of 5 October 1927, section 15, subsection 5 (L.S., 1927, Fr. 13).

*Indo-China*¹. — Decree of 19 January 1933, section 14 (L.S., 1933, Fr. 2).

Tunis. — Decree of 15 June 1910, section 12 (B.B., 1916, p. 7).

The following texts regulating the application of Book II of the Labour Code in other territories do not contain the provision mentioned:

Guadeloupe. — Decree of 7 February 1913 (*Bulletin du Ministère du Travail*, 1913, p. 122).

Martinique. — Decree of 12 February 1913 (*Bulletin du Ministère du Travail*, 1913, p. 292).

Réunion. — Decree of 22 May 1916 (*Bulletin du Ministère du Travail*, 1916, p. 79).

GERMANY

Industrial Code of 26 July 1900 (*Reichsgesetzblatt*, 1900, No. 47, p. 871), as amended by Act No. 3553 of 28 December 1908 (R.G.Bl., 1908, p. 667; B.B., 1908, p. 335): section 154 (a): "Women workers shall not be employed below ground in establishments of the aforesaid description². The employment of women workers in raising, except refining (screening and washing), and in transport and loading shall also be prohibited above ground."

GREAT BRITAIN

Coal Mines Act, 1911 (1-2 Geo. V, Chap. 50, *Public General Acts*, 1911, p. 242) (the mines to which this Act applies are mines of coal, mines of stratified ironstone, mines of shale and mines of fire-clay): section 91: "No . . . girl or woman of any age shall be employed in or allowed to be for the purpose of employment in any mine below ground. . . ."

The Metalliferous Mines Regulation Act (56-57 Vict., Chap. 77, *Revised Statutes*, 1872-1875, p. 221) (this Act applies to every mine of whatever description other than a mine to which the Coal Mines Regulation Act applies): section 4 contains the same provision as the Coal Mines Regulation Act above.

British Empire³

(a) Legislation prohibiting the employment of women underground in mines is enforced in the following territories:

Dominion of Newfoundland. — Regulation of Mines, section 19 (Chap. 131 of the *Consolidated Statutes of Newfoundland*, 1916, Vol. III, p. 1416).

Gold Coast. — Mining Regulations, made under the Mining Rights Ordinance (Laws of the Gold Coast Colony, 1928, Chap. 107), section 110 (2) (*Laws of the Gold Coast Colony*, 1928, Vol. III, p. 246).

British Guiana. — Mining Regulation, 1931, No. 327, section 103 (*Official Gazette (Extraordinary) of British Guiana*, 15 September 1931, p. 825).

¹ According to additional information on Indo-China, received on going to press from the French Government representative on the Governing Body of the International Labour Office, the above-mentioned Decree merely gives legal confirmation to existing custom. Section 14 referred to above came into operation as from the date of promulgation of the Decree. The powers of the Governor-General to issue orders permitting employment under certain special conditions apply only to work performed by male children of thirteen to eighteen years of age.

In French Equatorial Africa, where underground work is carried out in a number of mining undertakings, no recourse is had to female labour. The use of this class of labour is, moreover, prohibited in this Colony, even for work performed as labour dues.

² Mines, salt mines, undertakings for the refining of minerals, underground pits and quarries, even if such undertakings employ less than ten workers.

³ Excluding those parts of the Empire which are separate Members of the International Labour Organisation, which are placed in alphabetical order in this Report.

British Honduras. — General Minerals Regulation, 23 December 1931, in pursuance of the Minerals Ordinance, 1927, section 60 (*British Honduras Government Gazette*, No. 5, 15 January 1932).

Kenya. — Mining (Safety) Regulation, 1932, section 47, Government Notice No. 599, under the Mining Ordinance, 1931.

Federated Malay States. — Mining Enactment No. 19 of 1928, section 20 (*Gazette Notification* No. 8298, 21 December 1928, No. 27, Vol. XX): Mining Rules.

Nigeria. — Safe Mining Regulations, No. 31 of 1917, paragraph 19, made under section 70 of the Minerals Ordinance (*Laws of Nigeria*, 1923, Cap. 93).

Mandated Territory of Tanganyika. — Mining (Safe Working) Regulations, 1930, section 62 (Government Notice No. 12, Supplement to the *Tanganyika Gazette*, Vol. XI, No. 5, 31 January 1930, p. 25).

(b) In the following territories legislation concerning the employment of women in mines is in force, although underground work is not explicitly prohibited.

North Borneo. — Mining Ordinance, 1927, No. 7 (*Orders and Rules of North Borneo*, 1927, p. 27): section 26: "The Governor may by Notification in the *Gazette* make and when made vary or cancel rules to provide for . . . (f) the prohibition of the employment of specified classes of persons in underground working." So far as the Office is aware, no Regulations have been issued under this provision.

Cyprus. — Mines Regulations, 1926 (*Cyprus Gazette*, No. 1755 of 26 February 1926). Under section 11, no person or persons may be allowed to handle explosive or engage in blasting operations before it has been ascertained that they are fit and competent to undertake such work. The lessee, licensee or manager of a mine, or the director of public works, must, upon satisfying himself by examination, provide the said person with a certificate of competency. Subsection 5 provides that the lessee, licensee or manager of a mine may not issue any such certificate of competency to any female.

According to the annual report for 1932 on Cyprus, women are not employed below ground in the mines of Cyprus; women are only employed in surface occupations¹.

Sierra Leone. — The Minerals Amendment Ordinance, 1930, provides under section 11 that rules may be made "restricting or prohibiting the employment of women, in mining operations".

Trinidad and Tobago. — Regulations under section 25 of the Mines Borings and Quarries Ordinance (Revised Laws, 1925, Chap. 142, *Trinidad Royal Gazette*, 26 February 1931, No. 11, p. 214). These Regulations provide that "no woman shall be allowed on a derrick floor during the time any well is being drilled or repaired".

Hong Kong. — Industrial Employment of Women, Young Persons and Children Ordinance, No. 22 of 1922 (L.S., 1922, H.K.1), as amended by Ordinance No. 24 of 1929 (L.S., 1929, H.K. 2). This Ordinance applies explicitly to mining (section 4 (a)). Under section 3, the Governor in Council may issue Regulations prescribing the conditions under which women, young persons and children may be employed in industrial undertakings (including mines). So far as the Office is aware, no Regulations have been issued concerning the employment of women underground.

¹ Colonial Reports, Annual, No. 1618: *Annual Report on the Social and Economic Progress of the People of Cyprus, 1932*, pp. 19 and 27. London, 1933.

(c) In the following territories Regulations concerning mines or mining are in force which do not contain provisions governing the employment of women.

Ceylon. — Rules relating to mines, 13 August 1908, issued under Ordinance No. 2 of 1896 (*Ceylon Government Gazette*, No. 6260 of 11 September 1908).

Kedah. — Mining Enactment, 1347 (1928).

Nyasaland. — Mining Ordinance, 1906, and Safe Mining Rules, 31 March 1906.

Negri Sembilan. — Chinese Labourers in Mines Ordinance, No. 12 of 1904.

Northern Rhodesia. — Mining Proclamation, 1912, as amended in 1915, 1924, 1927 and 1929 (*Mining Laws of the British Empire and of Foreign Countries*, Vol. XII, p. 28). Under section 86, the Administration may make regulations in respect of all kinds of work with a view to the protection of the workers. In pursuance of this provision Regulations have been issued to provide for the inspection and regulation of mines (*Mining Laws of the British Empire and of Foreign Countries*, Vol. XII, p. 107).

Southern Rhodesia. — Government Notice No. 517, 1930, to provide for the inspection and regulation of mines, issued under the provisions of the Mines and Minerals Ordinance, 1903, and the Precious Stones Mining and Trade Ordinance, 1906 (*Government Gazette of Southern Rhodesia*, Vol. VIII, No. 34, 22 August 1930, p. 692).

Trengganu. — Mining Enactment No. 3 of 1345 (1926).

Uganda. — Mining Ordinance No. 12 of 1930.

Zanzibar. — Minerals Decree No. 12 of 1925.

In spite of the absence of relevant provisions in these enactments, it does not appear to be the practice to employ women underground in mines in these territories. The Office has applied for supplementary information on this point, but has not yet received replies.

GREECE

Act No. 4029 of 24 January-6 February 1912 concerning the employment of women and young persons (B.B., 1912, p. 285): section 12: ". . . Women shall not be employed underground in mines, quarries and pits in general."

GUATEMALA

Decree No. 1434, promulgating the Labour Act, 30 April 1926 (L.S., 1926, Guat. 1): section 27: "Persons of either sex under the age of twenty-one years shall not be employed . . . in underground work."

HAITI

So far as the Office is aware, Haiti has no legislation governing the employment of women underground in mines.

HONDURAS

So far as the Office is aware, Honduras has no legislation governing the employment of women underground in mines.

HUNGARY

Mining Act, promulgated by Imperial Order of 23 May 1854 (*Oesterreichsches Reichsgesetzblatt*, 1854, No. 146). This Act, which is still in force in Hungary, contains no provisions explicitly prohibiting the employment of women on underground work, but empowers the mining authorities (section 200) to issue regulations for the protection of the workers, particularly in respect of the conditions of employment of women in mines, with due regard

to their physical capacities (paragraph (a)). Regulations respecting the employment of women underground have in fact been issued in pursuance of this Act; according to a communication to the International Labour Office from the Hungarian Delegation accredited to the League of Nations, "the employment of women in underground mines is prohibited both for day and night work by orders of the mining authorities".

Act No. 5 of 1928 (L.S., 1928, Hung. 1), respecting the protection of children, young persons and women employed in industry, which also covers mining undertakings (section 1 (2) provides that women shall not be employed in the establishments or undertakings covered by the Act unless the fact that the woman is physically fit for the work to be performed by her is attested by a certificate of a public medical officer (section 6), and lays down that "a woman shall not be caused to perform any work which is in excess of her physical strength or endangers her health" (section 7)).

INDIA

Mines Act of 1923 (L.S., 1923, Ind. 3). Under section 29 of this Act the Governor-General in Council is empowered to make regulations for various purposes, including that of (paragraph j) "prohibiting, restricting or regulating the employment in mines or in any class of mine of women either below ground or on particular kinds of labour which are attended by danger to the life, safety or health of such women".

In virtue of these powers the Department of Industries and Labour issued on 7 March 1929 a Notification No. M. 1055, containing Regulations for prohibiting the employment of women underground in mines (L.S., 1929, Ind. 1).

Under these Regulations, which came into force on 1 July 1929, no woman is permitted to enter or remain in the underground workings of any mine other than an exempted mine, unless she is authorised to do so in writing by the Chief Inspector. According to a communication received by the Office from the Government of India, the Chief Inspector has no authority to permit a woman to work underground in a mine; the above provision is in fact intended to provide for cases where a lady doctor, a lady inspector or a lady visitor may wish to enter a mine from the underground workings of which women are excluded by law.

In the exempted mines, that is to say the coal mines in Bengal, Bihar, Orissa and the Central Provinces, and the salt mines in the Punjab, the prohibition of the employment of women underground is to become operative by successive stages over a period of ten years, so that by 1 July 1939 the exempted mines will be subject to the rules applied to other mines from 1929; that is to say, by that date the practice of employing women underground will have been totally abolished.

The number of women employed underground in exempted mines during this transitional period may not exceed the following percentage of the men and women workers employed in the mines concerned:

Year (1 July-30 June)	Coal mines (per cent.)	Salt mines (per cent.)
1929-1930	29	40
1930-1931	26	36
1931-1932	23	32
1932-1933	20	28
1933-1934	17	24
1934-1935	14	20
1935-1936	11	16
1936-1937	8	12
1937-1938	5	8
1938-1939	2	4

The progressive reduction in the employment of women underground is proceeding steadily and even at a rate exceeding that anticipated. According to the annual reports of the Mines Inspection Department, the number of women employed underground in mines in 1928 was 31,785 and had fallen to 24,089 in 1929 (23 per cent. of all underground workers), 18,684 in 1930 (15.56 per cent. of all underground workers), and 16,841 in 1931 (14 per cent. of all underground workers). For coal mines alone the figures for the years 1928, 1929, 1930 and 1931 respectively were 28,408, 21,880, 18,287 and 16,632. In 1930 and 1931 these workers were distributed by province and class of mine as follows:

	1930	1931
Coal mines in Bengal	6,128	5,596
Coal mines in Bihar and Orissa.	11,376	10,263
Coal mines in Central Provinces	783	773
Salt mines in Punjab	397	209

There has recently been a fresh discussion of the possibility of speeding up the abolition of the employment of women underground.

Following a meeting of the Indian Mining Association, held in Calcutta in July 1932, at which the majority of the members present voted in favour of the immediate abolition of all employment of women underground, the Government of India proposed to the Government of Bihar and Orissa that such work should be completely prohibited at an early date, e.g. 1 July 1933, since the employers concerned appeared to be in favour of such a measure.

The committee of the Indian Mining Association having consulted individual members on this point, the majority declared themselves in favour of the prohibition of women's employment underground at the earliest possible date. The date suggested by one member was 1 January 1933, and by others 1 July 1933; it was also pointed out that the consequent readjustment would be effected more easily in the dry than in the rainy season, when labour is scarce. A considerable minority, however, was in favour of maintaining the system of progressive abolition on the ground that it had worked quite successfully. Nevertheless, it was suggested that the process should be speeded up with a view to the total abolition of women's employment underground by 1 July 1937 instead of 1 July 1939, as hitherto provided.

IRISH FREE STATE

The situation is the same as in Great Britain. As no legislation on this matter has been enacted since the Irish Free State was constituted, the various mining laws given under the head of Great Britain which were in force in Ireland on 6 December 1922 have remained in operation in accordance with section 73 of the Constitution of the Irish Free State.

ITALY

Consolidated text of the Act respecting the employment of women and children, approved by Royal Decree of 10 November 1907 (B.B., 1907, p. 578): section 1: "No female persons of whatever age shall be employed in work in mines, quarries and pits."

In regard to the Italian Colonies, the Italian Government has informed the Office that at present no women are employed there in the mining industry, which is moreover of very minor importance in these territories.

JAPAN

Ordinance No. 17 of 24 June 1926 to amend the Regulations for the employment and relief of miners (L.S., 1926, Jap. 2).

Ordinance No. 30 of 24 June 1928 to amend the Regulations for the employment and relief of miners (L.S., 1928, Jap. 2).

Under Ordinance No. 30 of 1928 the holder of a mining right may not employ a woman on underground work. Subject to the permission of the Chief of the Mines Inspection Bureau, however, this provision does not apply

to miners employed in coal mines where most of the coal seams are thin (section 11 *bis*).

Until the date on which this prohibition came into force (1 September 1933) and in the mines in which the employment of women underground is permitted after this date, such employment is subject to the general regulations concerning the employment of miners, of which the following relate particularly to women.

Section 6 *bis* prohibits the employment of women in underground workings where the temperature is above 35° C.

Section 12 provides that a holder of a mining right shall not employ women in the following work, some of which is performed underground: (i) cleaning, oiling, examining or repairing the dangerous parts of prime movers, electrical and other machinery or power transmission apparatus while in motion; (ii) putting on or taking off the belts or ropes of machines or power transmission apparatus by a dangerous method; (iii) stoking a boiler or opening or shutting the feed water valve or the stop valve, or handling the safety valve; (iv) handling an electric generator, motor, transformer, commutator belonging to a Cottrell installation for gathering dust, or rheostat of the generator; (v) switching high tension lines; (vi) handling a winch operated by mechanical power; (vii) coupling or uncoupling trucks while in motion; (viii) the excavation of minerals or shovelling of rock; (ix) placing or firing shots; (x) erecting or removing props; (xi) handling very hot or molten minerals or slag at a refinery; (xii) cleaning flues or chimneys where noxious soot has accumulated; (xiii) work at a place where dust, fumes or gases from arsenic, mercury, lead or zinc or their compounds or other similar noxious substances are present; (xiv) work at a place where refining by electrolysis is performed; (xv) feeding furnaces with ore, fuel, etc.

The statutory hours of actual work for women employed underground are now nine and a half hours instead of ten hours as laid down for all workers under section 5 of the 1928 amendment, since under section 9 the holder of a mining right must grant a rest period of at least thirty minutes to women workers whose hours of work exceed six and do not exceed ten. In practice this half-hour break appears to be granted to all workers.

The night work of women is regulated by section 7, paragraphs 1 and 2, as amended by Ordinance No. 30 of 1 September 1928, which prohibits the employment of women between 10 p.m. and 5 a.m. Nevertheless, women employed in one of two or more alternating shifts may work up to 11 p.m. subject to the permission of the Chief of the Mines Inspection Bureau.

Section 11 further provides that subject to the permission of the Mines Inspection Bureau the holder of a mining right may extend the period of night work, irrespective of the provisions of the first and second paragraphs of section 7 cited above, in case of temporary necessity occasioned by an actual or imminent disaster or any other unavoidable cause.

The provisions of section 7, paragraphs 1 and 2, concerning night work came into force only on 1 September 1933, and therefore affect only women employed underground in mines where the seams are thin.

Until these new provisions came into force, women employed underground in Japanese mines remained subject to the regulations laid down in section 7 of the 1926 Act; that is to say, the prohibition of night work for women between 10 p.m. and 5 a.m. did not apply to all women working in one of two or more alternating shifts.

The employment of women before and after childbirth is regulated by the following provisions.

Under section 15 of the Mining Regulations hitherto in operation, a pregnant woman may cease work four weeks before her confinement and may not be employed for the six weeks following it, provided that at her request she may be employed four weeks after her confinement on work which the doctor has pronounced harmless.

Section 16 provides that a woman who is nursing a baby may demand time for nursing it up to the limit of twice a day for thirty minutes, provided that the holder of a mining right need not grant time for nursing to a woman engaged in underground work if he has received permission to this effect from the Chief of the Mines Inspection Bureau, and has made the necessary provision for the feeding of the babies of the women concerned.

Pending the application of the Regulations restricting the employment of women underground on 1 September 1933, the number of women so employed has fallen considerably during the transitional period following the publication of these provisions in the Ordinance of 1 September 1928, as will be seen from the following table:

Date	Number of mines employing over 50 men and women underground workers	Number of women employed underground
October 1928	198	36,759
November 1928	202	36,682
July 1929	129	32,510
December 1929	183	29,174
January 1930	186	28,371
June 1930	181	23,854
December 1930	166	16,579
January 1931	160	16,178
June 1931	150	10,753
December 1931	136	8,147 ¹

¹ Communicated to the International Labour Office by the Japanese Government.

The Appendix to this report (on p. 35) contains a supplementary note showing the position in law and practice in September 1933, the date of the coming into force of the Order of 1 September 1928 mentioned above.

LATVIA

So far as the Office is aware, Latvia has no Regulations explicitly prohibiting the employment of women underground. Nevertheless, the Act of 24 March 1922 respecting hours of work (L.S., 1922, Lat. 1) provides under section 12 that "women shall not be employed on work which is unsuitable to their physical structure or unhealthy".

LIBERIAN REPUBLIC

So far as the Office is aware, Liberia has no Regulations governing the employment of women underground in mines.

LITHUANIA

According to a communication to the Office from the Lithuanian Ministry of Foreign Affairs, there is no Lithuanian legislation governing the employment of women underground in mines owing to the fact that there are no mines in Lithuania.

LUXEMBURG

Act of 6 December 1876 concerning the employment of women and children (*Arbeiterrecht, Gesetze und Beschlüsse, bearbeitet im Staatsministerium, 1908, p. 20*).

Grand Ducal Order of 26 April 1930 concerning the working of mines, open workings and quarries (*Mémorial du Grand-Duché de Luxembourg, No. 10, 10 May 1930, p. 365*).

Under section 3, paragraph 2, of the 1876 Act no girls or women of any age may be employed underground in mines, open workings and quarries.

The Order of 1930 lays down (section 199) that no girls or women of any age shall be admitted as workers in mines, open workings and quarries.

MEXICO

Federal Labour Act of 18 August 1931 (L.S., 1931, Mex. 1): section 107: "Women shall not be employed in . . . II. the performance of dangerous or unhealthy work except where, in the opinion of the competent authority, all the measures have been taken and all the appliances provided which are requisite for their proper protection." Under section 108, "underground and submarine work" is deemed to be dangerous work.

NETHERLANDS

Mines Regulations of 1906, as amended by Royal Orders of 13 October 1916, 9 February 1917 and 7 October 1922 (L.S., 1922, Neth. 4, Appendix): section 233 (1): ". . . Women shall not be employed underground."

Dutch East Indies

Mining Ordinance, 1930, dated 25 February 1930 (L.S., 1930, D.E.I. 1A): section 183 lays down regulations for the safety and health of workers.

Ordinance to regulate employment in mines, 3 September 1930 (*Staatsblad van Nederlandsch Indië*, No. 341; L.S., 1930, D.E.I. 1B): under section 171, employment underground is restricted to men and boys who have attained the age of sixteen years.

NEW ZEALAND

Coal Mines Act, 1925 (16 Geo. V, No. 39) (L.S., 1925, N.Z. 2): section 66: "No female . . . shall be employed in any capacity in or about any mine."

The Mining Act, 1926¹ (17 Geo. V, No. 15) (*Statutes of New Zealand*, 1926, p. 145): section 256 of this Act contains a similar provision for mines other than coal mines.

NICARAGUA

Mining Code of 19 February 1906 (B.B., 1908, p. 111): section 112: "The employment of women below ground shall be punishable. . . ."

NORWAY

Act of 18 September 1915 respecting the protection of workers in industrial undertakings (B.B., 1915, p. 323): section 19: "In mines and similar undertakings . . . no women shall be employed below ground."

PANAMA

So far as the Office is aware, Panama has no Regulations governing the employment of women underground in mines. Nevertheless, the Administrative Code (*Legislación Social de América Latina*, Vol. II, p. 337) prohibits under section 135 the employment of "women even if they are of age . . . on work unsuitable to their sex or beyond their strength".

PARAGUAY

So far as the Office is aware, Paraguay has no Regulations governing the employment of women underground in mines.

¹ Applies to mines of gold and other metals and minerals as defined in the Act.

PERSIA

So far as the Office is aware, Persia has no Regulations governing the employment of women underground in mines.

PERU

Act of 29 November 1918 concerning the employment of women and children (B.B., 1919, p. 186): section 12: "The employment of women . . . in work underground in mines and quarries and in all other occupations which in the opinion of the executive authorities are dangerous to health shall be prohibited."

Resolution of the Mines and Petroleum Directorate of 15 March 1929 approving the draft Regulations for the supervision of mining (L.S., 1929, Peru 2) (these Regulations apply to mine workings which employ on an average ten or more workers, and the object of which is the extraction of mineral products): section 122: "Women . . . shall not be employed in the underground workings."

POLAND

Act of 2 July 1924 concerning the employment of young persons and women (L.S., 1924, Pol. 2): section 12: "Women shall not be employed on mining work underground."

PORTUGAL

Decree No. 14498 of 29 October 1927 to regulate the employment of young persons and women (L.S., 1927, Por. 6): section 10: "Women and girls shall not be employed in such work (work underground)."

In regard to the Portuguese Colonies, the Portuguese Government has informed the Office that there are no mining undertakings employing women in the colonies of Cap Verde, Portuguese Guinea, San Thomé and Principe, and Angola. As to the East African colonies, these have no laws or regulations to govern the employment of women underground in mines. The native women of Mozambique have never been employed on work of this kind, and the agreement at present in force between the Portuguese and South African Governments, signed at Pretoria on 11 September 1928, even makes provision for the compulsory repatriation of women who had been attracted by the favourable economic circumstances of the native miners in the Rand district to settle in the vicinity of the mines.

RUMANIA

Act of 9 April 1928 respecting the employment of women and young persons and respecting hours of work (L.S., 1928, Rum. 1): section 19: ". . . Girls and women without distinction of age shall not be employed in the underground workings of mines and quarries. . . ."

SALVADOR

So far as the Office is aware, Salvador has no Regulations governing the employment of women underground in mines.

SIAM

So far as the Office is aware, Siam has no Regulations governing the employment of women underground in mines.

SOUTH AFRICA

Mines and Works Act No. 12 of 1911 (B.B., 1911, p. 63): section 8: "No person shall employ underground on any mine . . . any female."

SPAIN

Act of 27 December 1910 fixing a maximum working day in mines (B.B., 1911, p. 29): section 14: "The employment of women . . . is prohibited in underground work of all kinds."

SWEDEN

Act of 29 June 1912 concerning the protection of workers (B.B., 1913, p. 84): section 18: "No woman shall be employed on work underground in a quarry or mine."

SWITZERLAND

There is no legislation explicitly prohibiting the employment of women underground, but such employment does not exist in practice.

TURKEY

There are no provisions at present in force prohibiting the employment of women underground, but section 30 of the Labour Code now in preparation prohibits the employment of women underground in mines and quarries.

URUGUAY

So far as the Office is aware, Uruguay has no Regulations governing the employment of women underground in mines.

VENEZUELA

Labour Act of 23 July 1928 (L.S., 1928, Ven. 2): section 15, subsection 2: "Women shall not be employed underground in mines."

YUGOSLAVIA

There is no legislation directly prohibiting the employment of women underground in mines, but no such employment appears to exist in practice

(2) *Definition of "Mines"*

The enactments mentioned above prohibiting the employment of women underground in mines do not always give an exact definition of the term "mines". Express definitions are in fact comparatively rare and seldom to be found except in Acts relating specifically to mines. They occur in the texts cited for the following countries: Australia (Queensland, South Australia, Tasmania, Victoria, Western Australia); Austria; Belgium; Canada (Alberta, British Columbia, Ontario, Quebec, Saskatchewan); Great Britain and the following parts of the British Empire: Gold Coast, British Guiana, Kenya, Federated Malay States, Newfoundland, Tanganyika; India; New Zealand; the Netherlands and Dutch East Indies; Peru; South Africa; Spain.

These definitions are far from uniform. They are in fact of the most varied kinds, since their object is not to give a logical definition of the term "mine" but to define the scope of the legislation

in which they are contained. As their form thus depends on a number of national factors, it is unnecessary for the purposes of this report to give them all in full, and a few examples will suffice as illustrations of the various types.

One of the most exact of these definitions is that contained in the Belgian Act, which draws a clear distinction between mines and other kinds of extractive industries (open workings and quarries). According to the Royal Order of 15 September 1919 this definition runs as follows:

1. — Deposits of mineral or fossil substances lying below ground or on the surface shall be classified for the purposes of regulations for the working thereof into the three categories of mines, open workings, and quarries.

2. — A mine shall mean one known to contain in veins, seams or masses gold, silver, platinum, mercury, lead, iron in lodes or seams, copper, tin, zinc, calamine, bismuth, cobalt, arsenic, manganese, antimony, molybdenum, plumbago, or other metallic substances, sulphur, hard coal and lignite coal, fossil wood, bitumen, alum, and metallic sulphates.

3. — Open workings shall include alluvial iron deposits, pyritic earth suitable for the extraction of iron sulphate, aluminous earth, and peat.

4. — Quarries shall be those containing slate, sandstone, building and other stone, marble, granite, limestone, gypsum, pozzolana, trass, basalt, lava, marl, chalk, sand, flintstone, clay, kaolin, fuller's earth, potter's earth, earthy substances and all kinds of boulders and pebbles, pyritic earth used as fertiliser, whether such substances are worked on the surface or in underground galleries.

Other definitions on the contrary include under the term "mine" every kind of extractive industry. As an example of these, that contained in the South African Mines and Works Act No. 12 of 1911 may be quoted:

2. — "Mine" shall mean and include all excavations for the purpose of searching for or winning minerals as well as the working of mineral deposits, whether abandoned or actually being worked on the surface, from the surface downward and underground, together with all buildings, premises, erections and appliances belonging or appertaining thereto above and below ground for the purpose of prospecting for or winning metals, minerals or precious stones by boring, excavating, dredging or hydraulicing.

In some cases the definition is still more comprehensive, making the Act concerned applicable not only to extractive industries proper but to all operations connected with the treatment of the substances extracted and to all undertakings connected with such industries. The Mining Act, 1927, of the Canadian Province of Ontario offers an example of a definition of this kind:

2 (k). — The noun "mine" shall include any opening or excavation in, or working of, the ground for the purpose of winning, opening up or

proving any mineral or mineral-bearing substance and any ore body, mineral deposit, stratum, soil, rock, pit of earth, clay, sand, gravel or cement, or place where mining is or may be carried on and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine and also for the purposes of Parts VIII¹ and IX any quarry, excavation or opening in the ground made for the purpose of searching for or removal of mineral, soil, rock, quartz, limestone, earth, clay, sand, gravel or cement and any roastery, smelting furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining or treating any of said substances.

In a number of Mining Acts drafted in English the definition of the noun "mine" is completed by that of the verb "to mine" or "mining". In these cases a mine is defined as any place in which the operations covered by the term mining are carried on. This is so in the Mining Acts of Tasmania, Victoria and New Zealand cited above.

The texts enumerated above also include some which, instead of determining the scope of a Mining Act by laying down a formal definition of the term "mine", merely define more or less precisely the scope of the Act concerned; in some cases in relation to some other enactment. Thus, the two Mining Acts of Great Britain, namely the Coal Mines Act and the Metalliferous Mines Regulation Act, between them cover all kinds of mines. The Coal Mines Act applies to mines of coal, mines of stratified ironstone, mines of shale and mines of fire-clay (section 1), while the Metalliferous Mines Regulation Act covers "every mine of whatever description other than a mine to which the Coal Mines Regulation Act applies" (section 3). In this case, therefore, there is no precise definition of the general meaning of the term "mine".

Finally, there are some texts which, without giving a specific definition of a mine, extend the application of the Act to various specified branches of the extractive industries. An example of this practice is offered by the Spanish Act of 27 December 1910 concerning hours of work in mines, which runs as follows:

1. — The provisions of this Act shall apply to: work in the extraction of minerals for direct use, namely the cutting of the ore in shafts, galleries and other places whether above or below ground, draining work in the interests of the security and sanitation of the mine; the use of machinery in the operations and in the transporting of persons, minerals, rubbish and materials in the interior of the mine, and all operations directly connected with the extraction of minerals.

The provisions of the Act shall also apply to turf-cutting undertakings, stone quarries or undertakings for extracting building materials whether

¹ Part VIII contains the section governing the employment of women.

above or below ground, sea-salt works and rock-salt works and the getting of underground mineral and medicinal waters.

The provisions of the Act shall not apply to work in offices and workshops outside the mine which is similar to work performed in other industries, regardless of whether the work in question is performed in the service of the mine, and work in workshops for the preparation of mineral substances by a mechanical process, and ore-dressing works.¹

A definition of the scope of an Act formulated in these terms tends rather to distinguish between than to combine the different classes of extractive industries, in addition to mines proper, to which it applies.

CONCLUSIONS

The survey of national legislation given in the preceding section furnishes ample proof of the extent to which the employment of women on underground work in mines is already prohibited by law. An analysis has been given of the legislative provisions on this subject in thirty-four States Members of the International Labour Organisation, twelve Provinces of States Members which are autonomous with regard to legislation, and seventeen territories which are to some extent dependent on a State Member (colonies, protectorates, mandated territories, etc.).

For a number of other countries the Office has received a definite statement from the Government or has reliable information from other sources to show that in practice no women are employed on underground work in mines.

The few replies so far received to requests for supplementary information from the States Members whose legislation on the subject was not known to the Office (cf. p. 8) confirm the assumption that in the great majority of cases the absence of any Regulations may safely be attributed to one of the following reasons: either the country in question has no underground mines (for example, Lithuania) or the employment of women on underground work is so foreign to the habits of the country that it has not been felt necessary to prohibit it by law (replies of the Governments of Albania, certain Provinces of Canada, Cuba, and the Governments of Belgium, Italy and Portugal in respect of their colonial possessions).

Although all the desired information has not yet been received (it will be analysed in a Supplementary Report), there need be no hesitation in saying that for the very great majority of States Members an International Labour Convention would confirm the legislation already in force or give legal sanction to an established

¹ See also Regulations of 29 February 1912, sections 4 and 5, which give a list of the categories of establishments excluded from the scope of the Act.

practice. Account being taken of the reasons for which such regulations are thought unnecessary, it may be said that the employment of women underground in mines is now unknown in the European States Members of the International Labour Organisation and also in Australia and North America.

With regard to other parts of the world, the replies to the Office's request for information will doubtless throw light on the few remaining obscurities concerning certain States of Latin America and certain Asiatic and African territories. The information summarised above is in itself sufficient to show that several laws prohibiting the employment of women on such work have been promulgated in America, in Africa and in Asia during recent years, and that in the few areas where it is known that women are still employed underground in mines the practice is rapidly dying out. In the field of legislation as well as in actual practice, the problem is well on the way to solution.

In the legislative field such employment has been prohibited by law within the last five years in Brazil, Ecuador, Mexico, Peru, Egypt, India, Japan, New Guinea, the Federated Malay States, British Guiana, British Honduras, Hong Kong, Kenya, Tanganyika, French Indo-China and the Dutch East Indies.

In actual practice, which is still more important, the same movement for the suppression of this form of work has been very strongly marked over the same period.

In Egypt, where women workers were still employed on underground work to a very slight extent quite recently, the 1927 census showed a total of 14 women workers employed underground (11 in mining of combustible material and 3 in mining of metallic ores), whereas now only men are employed on such work. The Female Labour Law, which was promulgated on 10 July 1933 and which prohibits the employment of women on underground work in mines, will therefore merely consolidate the *de facto* situation when it comes into force on 10 January 1934.

Among the States Members, India was one of those in which the employment of female labour in mines was most widespread. But the legislation promulgated in 1929 is now being applied in stages as prescribed, with a view to arriving at complete prohibition in 1939. It is being applied even more rapidly than was prescribed, for at the end of 1931 the number of women employed underground in mines was only 14 per cent. of the total number of workers in such employment, whereas the legislation authorised 23 per cent. in coal mines and 32 per cent. in salt mines up to 30 June 1932.

The possibility of further speeding up the process of gradual suppression is now under consideration.

In Japan, where women workers were quite extensively employed on underground work in mines until a comparatively recent date, this custom is likewise disappearing under the influence of legislation which has been promulgated but not yet enforced. In October 1928 the total number of women workers employed underground was 36,759, while in December 1931 (twenty-one months before the prohibition will take effect) the total had fallen to 8,147—a decline which is sufficiently striking to need no comment. There is reason to believe, according to provisional figures published in the press, that the number of women workers now employed underground is less than 6,000. It should however be noted that, strictly speaking, the Regulations which came into force on 1 September 1933 do not altogether prohibit the employment of women underground in mines. It will still be possible to employ them in mines where the veins are generally thin.

These are the only countries in which the Office knows for certain that women are still employed or have been employed on mining work during the last five years among the States Members of the International Labour Organisation. It is possible that the information still awaited in the case of certain States, in which, as far as the Office is aware, no restrictive legislation exists, may reveal that in some areas, and perhaps more especially in certain colonial territories, cases still exist where women are employed underground in mines. It is doubtful whether such employment can be very extensive, however, as otherwise it would be so exceptional that it would be generally known.

In order to prevent any present or future practice of this kind, however, the Conference will probably agree with the Office that underground work in mines is particularly undesirable for women workers and that it would be well that any steps for the adoption of international regulations prohibiting the employment of women on underground work should apply as widely as possible to colonial territories as well as to the mother countries.

* * *

The purpose of the legislative provisions existing in the various States Members of the Organisation for prohibiting the employment of women on underground work in mines is very simple, but these provisions differ considerably in form.

These variations in the form of the legislation are largely due

to the fact that the clauses are included in texts which have a variety of aims.

Quite often they are to be found in Labour Codes or in special legislation for the protection of women, in which case the legislating body was chiefly concerned with regulating the various conditions of industrial employment in all its forms. In most cases, therefore, the Regulations drafted in this form are extremely simple and merely prohibit employment on underground work without defining what is meant by "underground work" or limiting the scope of the phrase. Sometimes the Regulations are slightly more definite and prohibit underground work in mines without defining the term "mines". In yet other cases the law enumerates, in addition to mines, other places where work may be carried on underground, such as pits or open workings, and quarries, but again these terms may not be defined.

The legislative provisions in question may, however, be contained in special Mining Acts regulating not only working conditions but also property rights, rules for prospecting and the working of deposits. In these texts the legislature is usually very careful to define the term "mines" as it is to be understood in the various provisions of the text. The term is sometimes defined as meaning only coal mines or metal mines or mines of one or other metal or mineral.

It should also be noted that these definitions are naturally determined by the special circumstances of each country and the types of minerals found or worked in the country.

The extremely complex and sometimes narrow definition of the limits within which the employment of women is prohibited by certain national laws is certainly unsuited for international legislation. At the same time, it serves to show the undoubted necessity for defining in an international text the scope of the prohibition as regards the places of employment.

The form in which the Governing Body placed the question on the agenda of the Conference in itself defines the point to some extent, as has been explained above (cf. Introduction, p. 6). The Governing Body agreed to place on the agenda of the Conference at its 1934 Session the question of the regulation of the "employment of women on underground work in mines of all kinds". It is clear that this decision while limited to mines as such, nevertheless covers mines of all kinds for the purposes of the future International Convention or Recommendation prohibiting the employment of women underground.

It would still be necessary to define what was meant by "mines of all kinds". Does the term cover coal mines and metal mines and does it also include mineral mines (phosphate, salt, stone, etc.) ? It is all the more necessary to obtain a clear answer to this question because it will be found that the connotation of the word "mine" varies considerably from one country to another and from one language to another. According to the terminology employed in certain texts, more particularly in the legislation drafted in French, it would seem that "mines" has a very restricted meaning. Belgian legislation gives a very careful definition of the terms "mines" (*mines*), "open workings" (*minières*) and "quarries" (*carrières*), which clearly distinguishes these three types of workings from each other (cf. p. 23). The French Labour Code, while not defining the term "mine", prohibits the employment of women "on underground work in mines, open workings and quarries", thus clearly showing that, in the opinion of the French legislature, a quarry or an open working is not a mine. On the other hand, a number of texts drafted in English, more especially in Canadian and Australian legislation, contain definitions of the term "mine" which would include workings for the extraction of all sorts of metals and minerals, including not only stone but also gravel, sand, clay, etc. It will therefore be necessary to have a definition of the term "mine" which will limit its meaning more or less strictly and at all events give it a clear signification.

Some of the national laws mentioned above define the extent of the prohibition of underground work in mines with reference to the persons covered.

A first distinction may be made on the basis of age. Some laws use the term "women", thereby implying that all women, irrespective of their age, are covered; others make this clearer by using the term "women of any age"; but in two cases the legislation applies only to women who are not of age. There seems to be no doubt that when the Governing Body placed the question on the agenda it meant the Conference to consider the employment on underground work of women of any age, as is done by the great majority of national laws.

The scope is sometimes defined in terms of occupational categories. Some texts restrict the prohibition of employment on underground work in mines to "women workers". The term "female workers" (*Arbeiterinnen*) is used in German legislation, and the equivalent term "*weibliche Arbeiter*" is used in Austrian legislation. The Order of 1930 issued in Luxemburg concerning

the working of mines, open workings and quarries prohibits the employment of women "as workers".

Some laws which prohibit the employment of women in general in mines make exceptions for certain occupational groups. In former times such exceptions were made only in legislation which prohibited work both underground and at the surface, the exemption being in favour of categories of women workers whose special tasks could clearly only be performed at the surface. In the Coal Mines Act of the Canadian Province of British Columbia, for example, the prohibition of the employment of women in or about the surface working of a colliery is followed by the words: "provided that this prohibition shall not affect the employment of any person engaged in the performance of clerical work or in performing domestic duties in any hotel, boarding house or residence in connection with any colliery".

Two recent laws, however, make exceptions which directly imply, or may imply, that certain women technical workers regularly or occasionally visit the underground parts of mines.

One of these provisions will be found in the Indian Regulations of 1929 prohibiting the employment of women underground (cf. p. 16). According to the explanatory note supplied to the Office by the Government of India, the provision which empowers the Chief Inspector of Mines to authorise a woman to go down a mine is intended to permit underground workings to be visited, for example, by a woman doctor or a woman inspector. Although the Government of India does not cite among the possible examples any other categories of specialists, it would appear probable that a woman engineer or a nurse might, by this provision, be permitted to go down a mine in the exercise of her duties.

The second case is curious in that a new clause has been inserted in an Act, enabling certain exceptions to be made to the prohibition of underground work for women, in place of the older clause, which permitted exceptions only for surface work.

The case in question is the new text of the Mining Act of the Province of Ontario. In the form in which it was published in 1927, the Act stated that, "except as a stenographer, book-keeper, or in some similar capacity, no girl or woman shall be employed at mining work or allowed to be for the purpose of employment at mining work in or about any mine". This could obviously refer only to occupations carried out at the surface. The text of 1930 reads as follows: "No girl or woman shall be employed in or about any mine, except in a technical, clerical or domestic capacity".

The reference to technical work might apply to the exercise of the profession of doctor, engineer or nurse, in which the woman might on occasion be called upon to visit the underground workings of some mine.

Even in States where the legislation has not been modified, it would seem that a certain latitude is practised in the application of the older rules as a result of the new developments in technical education for women.

For some years back, but too recently for any account to be taken of the matter in the legislative provisions prohibiting the employment of women underground, which are generally of older date, a problem has arisen concerning the granting of exemptions in the case of certain women technical workers.

It is reasonable to consider that the strict application of the prohibition to enter the underground workings of mines, far from protecting such technical experts, might prove a serious hindrance to them in the exercise of their profession or in finding a job. While it is hardly likely that many women will select mining engineering as a profession, there may be cases in which a woman engineer who has specialised, say, in ventilation would have to assist in the fitting of ventilators in mines or would have to inspect them later. In the medical services attached to mines, also, a woman doctor or nurse might be engaged. Similar cases might arise for other categories of specialised workers.

If the Conference considers it desirable to make a distinction between the employment of women as workers in the underground workings of mines and the occasional practice by a woman in an underground mine of some technical occupation, prohibiting the former and permitting the latter, it can choose between two methods of making the distinction.

The prohibition of the employment of women on underground work in mines could be followed by an exception for certain categories of technical workers attached to mining undertakings, and an enumeration could be given: women engineers, persons connected with the medical service, the inspection service, etc. In the present instance it does not seem desirable to use the phrase "persons holding positions of management", which has been used or proposed on other occasions, for the persons in question are not merely, nor even chiefly, persons connected with the management of a mine, but rather persons belonging to auxiliary technical services.

At first sight the method of making exceptions to the general

rule would seem to be the natural one. It has, however, one disadvantage: it lacks elasticity, for an enumeration is always restrictive and does not permit of adaptation to the changes which time may bring.

Secondly, in view of the extreme simplicity of the actual mining work which the legislation of every country really aims at prohibiting for women, it is possible that a second method might be preferable. This method would consist in prohibiting the employment underground of certain categories of women, namely women workers, as has been done in the legislation of Austria, Germany and Luxemburg. Instead of prohibiting "the employment of women on underground work in mines", the future Regulations would prohibit "the employment of female workers on underground work in mines". This, indeed, was the expression used in the resolution adopted by the Conference in 1931.

In any case, it will be well for the Conference to examine the arguments for and against the two alternatives.

CONSULTATION OF GOVERNMENTS

On the basis of the preceding analysis of the item on the agenda of the Conference, and in conformity with Article 6 (4) of the Standing Orders, the Office proposes that the Conference should instruct it to consult Governments on the following points:

PRELIMINARY QUESTION

Desirability of international regulations prohibiting the employment of women on underground work in mines of all kinds.

FORM OF THE INTERNATIONAL REGULATIONS

A Draft Convention rather than a Recommendation.

SCOPE OF THE REGULATIONS

(a) As regards mines:

- (i) definition of " mines " so as to include certain types of extractive workings. Which ?

(b) As regards persons:

- (i) inclusion of all persons of the female sex, with the exception of certain special categories. If so, which categories ?

or

- (ii) inclusion of " female workers ".

(c) Territorial.

Insertion in the international regulations of a special clause concerning their application to colonial territories and the methods of applying Article 421 of the Treaty of Peace.

APPENDIX

The following information was communicated to the International Labour Office after the Report had gone to press.

SPANISH COLONIES.

The Minister of Labour and Social Welfare informed the Office, by letter of 16 September 1933, that no provisions existed for the regulation of the employment of women on underground work in mines in the colonies with which his Department is concerned. Moreover, in view of the state of insecurity reigning in these territories until recently, mining operations are carried out only on a small scale.

The Minister adds that, having applied for information to the Section of Morocco which is dependent on the Presidency, he was informed that no such legislative provisions existed in that country.

FINLAND.

The Minister of Social Affairs informed the Office, by letter of 1 September 1933, that in Finland there are only three underground mines, none of which are deep and which include two limestone mines and a copper mine. The work in these mines, which employ only a small number of workers, is such that there could be no question of the employment of women on underground work. In consequence, there is no need to incorporate special provisions in the existing legislation, but were this necessary, no difficulty would be encountered.

JAPAN.

In a letter of 24 October 1933, the Japanese Delegation to the International Labour Organisation communicated the following information, which completes that given on pages 17-19 of the Report.

The prohibition of employment of women in underground work became law by Ordinance No. 30 of the Department of Home Affairs, promulgated on 1 September 1928. This Ordinance, which was to amend the Regulations for the employment and relief of miners, dealt in part with (1) the prohibition of employment of women and young persons in night work and also (2) the limitation of hours of work of miners working underground. The latter was put into force as from 1 September 1930, while the former was put into effect on 1 September 1933.

The tendency during the period of grace (1928-1933) shows a decided decrease of women employed in underground work. As shown in table I below, the number of those women, which was 30,000 in 1928 at the time of the promulgation of the above-mentioned Ordinance, gradually decreased in subsequent years and was reduced to 6,000 when the amendment came into operation in 1933.

During the interval of five years, the rate of output per individual miner greatly increased; the improvement in methods of coal-mining, the application of machinery as well as the increase of efficiency of miners appear to account for such increase. The tremendous increase of coal output resulted in the increase of earnings of miners and it facilitated the task of reducing the number of women miners engaged in

underground work without much affecting the livelihood of the miners' families.

Such was the case with big coal mines representing 80 per cent. of the coal mines in Japan. As regards the rest of the mines which are mostly small, representing 20 per cent., certain difficulties were felt in the application of the Ordinance. Those small mines, operating with but small capital, have been handicapped by unfavourable conditions such as thin coal seams or small quantities of left-over coal. The economic depression placed further obstacles to the improvement of the methods of coal mining which was essential in view of the prohibition of employment of women in underground work. Exception was allowed, therefore, when the amendment was promulgated in 1928, as far as the mines with thin seams are concerned. But no exception was provided for the application to small mines with scanty coal deposit due to the difficulty in determining the standard of application of the exception. During 1932, certain mines in Kyushu appealed to the authorities to postpone the application of the prohibition of employment of women in underground work¹. An enquiry into the situation in that region revealed that if the prohibition were at once enforced, it might give rise to a serious situation. It was therefore decided that while the prohibition of night work would be enforced, exception should be allowed for small mines where, in view of their scanty coal deposit, the application of rationalisation was found to be difficult on either technical or economic grounds.

This was done by Order No. 16 of the Department of Home Affairs, dated 5 June 1933 and enforced on 1 September 1933, concerning the special clause (section 11*bis*) of the Regulations for the employment and relief of miners².

With regard to small mines, the maximum number of women that can be employed in underground work for a period of two years was fixed after an enquiry into their actual conditions and the authorisation was given accordingly. Thus the actual number of women miners in underground work on 1 September 1933—5,516—as given in table I is the maximum number authorised to be employed in mines "mining mainly thin seams or left-over coals".

TABLE I. — NUMBER OF WOMEN EMPLOYED UNDERGROUND IN JAPANESE COAL MINES, 1928-1933

Year	Number
30 June 1928	37,730
" " 1929	32,977
" " 1930	24,002
" " 1931	10,992
" " 1932	7,202
1 September 1933 (maximum number) . . .	5,516

¹ In October 1932, a mutual-aid society in the Kyushu coal-mining district (Chikuho Coal Mines), organised by the small mine operators, made a petition to the authorities, stating that the prohibition of employment of women in underground work seriously affected the livelihood of the miners' families which were supported by women.

² This Order provides that, with regard to mines mining left-over coals, the holder of the mining right may, subject to the sanction of the Chief of the Mine Inspection Bureau, for the time being, employ underground persons under sixteen years of age or women, in spite of the provision of section 11*bis* of the Regulations for the employment and relief of miners.

TABLE II. — FLUCTUATIONS OF THE NUMBER OF WOMEN EMPLOYED UNDERGROUND IN JAPANESE COAL MINES EMPLOYING OVER FIFTY MINERS

Date	Number of coal mines employing women on underground work	Number of women working underground at the end of the previous month	Women engaged	Women discharged	Number of women employed underground at end of the month	Comparison between figures in columns 2 and 5 ¹
	(1)	(2)	(3)	(4)	(5)	(6)
1928:						
October	174	36,856	2,328	2,915	36,269	587
November	175	36,270	1,814	1,951	36,133	137
December	176	36,204	1,752	1,983	35,968	236
1929:						
January	175	35,935	1,881	1,927	35,889	46
February	178	35,945	1,497	2,020	35,422	523
March	177	35,411	2,076	2,323	35,164	247
April	176	35,125	2,032	2,580	34,577	548
May	174	34,568	2,106	2,915	33,759	809
June	173	33,718	1,613	2,618	32,713	1,005
July	173	32,754	1,380	2,089	32,045	709
August	169	32,032	1,231	2,307	30,956	1,076
September	164	30,847	1,699	2,403	30,143	704
October	162	30,169	1,571	2,048	29,629	477
November	162	29,685	1,419	1,945	29,159	526
December	160	29,097	1,256	1,603	28,750	347
1930:						
January	163	28,819	797	1,664	27,952	867
February	162	27,944	1,035	1,761	27,218	726
March	163	27,181	1,132	2,171	26,142	1,039
April	163	26,202	854	1,764	25,292	910
May	159	25,316	926	1,885	24,357	959
June	158	24,349	807	1,675	23,481	868
July	160	23,487	776	1,656	22,607	880
August	153	22,592	514	1,604	21,502	1,090
September	150	21,489	717	2,411	19,795	1,694
October	145	19,676	773	2,664	17,785	1,891
November	142	17,755	718	1,648	16,825	930
December	145	16,906	381	1,038	16,249	657
1931:						
January	139	16,202	602	956	15,848	354
February	137	15,812	357	1,294	14,875	937
March	135	14,855	480	2,174	13,161	1,694
April	133	13,155	429	1,688	11,896	1,259
May	134	11,939	398	1,139	11,198	741
June	132	11,195	321	1,051	10,465	730
July	128	10,365	449	870	9,944	421
August	124	9,890	253	665	9,478	412
September	127	9,511	473	609	9,375	123
October	123	9,356	496	563	9,289	67
November	119	9,263	481	491	9,253	10
December	118	9,243	451	1,818	7,876	1,367
1932:						
January	118	7,876	577	575	7,878	2*
February	117	7,878	307	537	7,648	230
March	117	7,689	354	496	7,547	142
April	120	7,558	369	573	7,354	204
May	120	7,354	286	642	6,998	356
June	119	7,054	308	589	6,473	281
July	119	6,781	263	673	6,321	410
August	116	6,321	239	654	5,854	467
September	108	5,894	319	469	5,744	150
October	104	5,744	372	399	5,736	27
November	106	5,748	392	408	5,675	16
December	107	5,744	431	405	5,340	79*
1933:						
January	109	5,874	311	371	5,810	64
February	108	5,825	502	454	5,873	48*
March	101	5,794	486	440	5,840	46*
April	110	5,913	651	514	6,050	137*
May	94	5,730	533	544	5,719	11
June	112	6,053	659	623	6,089	36*

¹ The figures marked with * show an increase. (Discrepancies in figures given in columns 2 and 5 are due to the increase or decrease of the number of coal mines of which enquiry was made.)

SIAM

By letter of 29 August 1933, the Minister of Foreign Affairs stated that, after having referred the matter to the authorities concerned, he was informed that there are no laws or Regulations in Siam which prohibit or regulate the employment of women on underground work in mines. There are, moreover, at present no mines of any kind in the country in which women are employed.

SOUTH-WEST AFRICA (Mandated Territory of)

The Minister of Labour of the Union of South Africa informed the Office in a letter of 28 September 1933 that at present there is no legislation regulating or preventing the employment of women on underground work in mines in the territory of South-West Africa. There are only a few mines, such as Tsumeb, Neuras and Otjimboyo, where any underground work is done and on none of these are women employed. The nature of the work is such that women would not be able to stand the physical strain, and that fact in itself precludes the employment of females underground in these mines.

Practically all the labour for the mines in the Territory is recruited from the outlying Native districts, and the recruiting forms are scrutinised by the officials of the Mines Department.

In the tin mines women are employed to separate the tin from the waste, but no underground or hard physical labour is performed by them.
